

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: July 7, 2004
)	
Shirley M. Dabney)	DOCKET NO.: 03F-168
Member (Former))	
Commission for Women (Commission))	
3535 Lebon Drive, #5102)	
San Diego, California 92122)	

ORDER

This matter came before the Office of Campaign Finance (OCF) based upon respondent's motion for reconsideration (Motion) of the Order of the Director issued on October 7, 2003. On October 7, 2003, the Director entered an Order in this matter which imposed a fine of \$2,000.00 for failure to timely file a Financial Disclosure Statement on or before June 19, 2003 for calendar year 2002. On November 14, 2003, respondent filed the Motion.

Summary of Evidence

In the Motion, respondent states that she resigned her position with the Commission on or around March 1, 2003 due to her impending move to California. Respondent further stated she received her first notice from OCF at her California address on August 22, 2003, whereupon she contacted OCF and faxed a copy of an FDS to OCF. Respondent filed a fully executed FDS dated November 18, 2003 on November 21, 2003.

Findings of Fact

Having reviewed the respondent's motion and the record herein, I find that:

1. On August 22, 2003, the date of a scheduled hearing, respondent received a Notice of Hearing, Statement of Violations and Order of Appearance at her San Diego, California address.
2. On August 22, 2003, respondent contacted OCF and faxed an unnotarized, copy of a Financial Disclosure Statement.

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3. The Office of Boards and Commissions failed to apprise OCF of respondent's move to California in March 2003.
4. Respondent filed a fully executed FDS with OCF on November 21, 2003.
5. Respondent is currently in compliance with the statute.

Conclusions of Law

1. Pursuant to the Order In the Matter of: Shirley M. Dabney, a fine in the amount of \$2,000.00 was imposed upon respondent herein.
2. In accordance with 3 D.C.M.R. §3711.5 (1999), respondent appealed this matter.
3. Respondent violated D.C. Official Code §1-1106.02.
4. D.C. Official Code § 1-1106.02(b) requires the respective agency to apprise OCF of the names and current mailing addresses of persons required to file a Financial Disclosure Statement.
5. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent's explanation for failing to timely file due to the failure of the D.C. Office of Boards and Commissions to apprise OCF of respondent's change of address constitutes good cause for suspension of the fine.
- 7.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

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Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.